

THE RUINS OF WAR

Elizabeth Scarbrough

Introduction

Ruins are evocative structures, and we value them in different ways for the various things they mean to us. Ruins can be aesthetically appreciated, but they are also valued for their historical importance, what they symbolize to different cultures and communities, and as lucrative objects, i.e., for tourism. Tourists marvel at ruins in part because they stand the test of time, outlasting the rise and fall of civilizations. However, today an increasing number of ancient ruins have been damaged or completely destroyed by acts of war. In 2001 the Taliban struck a major blow to cultural heritage by blasting the Bamiyan Buddhas out of existence. These gigantic likenesses of the Buddha had been carved into the side of a cliff in the Bamiyan valley of Afghanistan in the fourth and fifth century. They were not easy to destroy. This direct targeting of cultural property might change our attitudes toward conservation practices. Francesco Bandarin, the UNESCO assistant director-general for culture, states, “Deliberate destruction has created a new context. At the time, Bamiyan was an exceptional case.”¹ Unfortunately, since then, ISIL has continued the Taliban’s destruction of cultural heritage in Iraq, Syria, and Libya. Needless to say, we are losing material culture at an alarming rate.

Bandarin’s comments notwithstanding, the destruction of cultural property in times of war is not new. Not only is there relatively settled international law prohibiting the looting of cultural property during times of war,² we can find examples of intentional destruction of cultural property from thousands of years ago. In this paper I would like to focus on one particular case, that of the Mỹ Sơn Archaeological Sanctuary, in the Socialist Republic of Việt Nam. Mỹ Sơn is

the foremost Champa archaeological site and the largest archaeological site in Việt Nam. The largest temple (*kalan*) at Mỹ Sơn, A1, was destroyed in a US bombing raid in 1969.

In what follows I will highlight different approaches to architectural cultural heritage preservation in terms of reconstruction, restoration, and ruination -- with an eye to applying these approaches to the remains of the A1 temple in Mỹ Sơn. I will briefly discuss the history of Mỹ Sơn before providing some reasons to believe that we should allow A1 to ruinate.

RRR: Reconstructions, Restorations, and Ruins

In this section I will use language from ICOMOS (International Council on Museums and Sites) and UNESCO (United Nations Educational, Scientific and Cultural Organization) to help distinguish between reconstructions, restorations, and ruins. I use language from these cultural organizations for a few reasons. First, these organizations—more so than philosophers—have been discussing the practical implication of these ontological distinctions for decades.

Disentangling these overlapping concepts is no easy feat. Second, there are real practical consequences for not adopting these distinctions as UNESCO prescribes them. If a country or cultural group would like to receive money from UNESCO, they must follow these guidelines.

According to the ICOMOS Burra Charter, a **reconstruction** is a case where we are returning a damaged building to its pre-damaged state by introducing new materials. Specifically, Article 1.8 states: “Reconstruction means returning a place to a known earlier state and is distinguished from restoration by the introduction of new material into the fabric.” Further Article 20: 20.1.

“Reconstruction is appropriate only where a place is incomplete through damage or alteration, and only where there is sufficient evidence to reproduce an earlier state of the fabric. In rare cases, reconstruction may also be appropriate as part of a use or practice that retains the cultural significance of the place.” And Article 20.2. “Reconstruction should be identifiable on close inspection or through additional interpretation.” In sum, reconstructions are when a damaged building is rebuilt according to the original plan of the architect(s)/community builders and only when the original plan is known. While UNESCO requires the use of the maximal amount of original materials for reconstructions, non-original materials are only allowed to achieve structural integrity and to ensure that the structure can serve the specific function the culture would like it to serve (e.g., as a church, a legislative building, a home). While UNESCO and ICOMOS generally recommend against reconstruction, ruin reconstructions have been approved in cases where the historic and cultural significance of erecting a reconstruction is great.

UNESCO has strict prescriptions for **‘restorations.’** The UNESCO-approved technique for restoring immovable cultural property is anastylosis. According to Article 15 of the Venice Charter for the Conservation and Restoration of Monuments, “All reconstruction work should, however, be ruled out a priori. Only anastylosis, that is to say, the reassembling of existing but dismembered parts can be permitted. The material used for integration should always be recognizable and this use should be the least that will ensure the conservation of a monument and the reinstatement of its form.” For example, the UNESCO practice permits a structure to be rebuilt after a bombing, but its battle scars will be seen. Cracks, where the original material has been pulverized into dust, will (and should) be visible.

In the preceding definitions, conservationists (including UNESCO) lump ruins and historic buildings together, treating them as the same with respect to preservation techniques. A subset of conservationists, including the late John Ashurst, argue that ruins should have different protocols for preservation and conservation than historic buildings. From a conservationist point of view, how much of a structure we preserve and at what cost is a tricky question. Do we preserve the ruin as found? How much can be changed from the ruin as found while still maintaining the ruin's authenticity? How much of the surrounding natural environment can be modified to preserve the ruin? According to Ashurst:

The conservation of ruins, as far as we can achieve it, should be about the continuity of truth. In practical terms, this is to say that the evidence of the past which the ruins represent should be so accurately and painstakingly observed and recorded, and so well protected and maintained that their true story will survive.³

But what is the true story? (I will return to this question later.)

What makes a ruin distinct from an historic building? No such answer exists in the UNESCO/ICOM literature. Yet there are definitional questions that beg for an answer. For example where does a ruin start, and where does it end? When is a building simply in disuse and when does it become a ruin? Likewise, when does a ruin turn into a heap of stones? This is a classic example of the *sorites* paradox. If one seeks a definition of 'a ruin' that delineates such rigid markers as necessary and jointly sufficient conditions, the project seems hopeless.

However, I suspect many ruins have the following features discussed below. I have argued elsewhere that **a ruin** is the remains of a large-scale human-built physical structure, and which:

- (a) incorporates architectural elements designed to last for a significant period of time;
- (b) is in the process of decay; and
- (c) as such shows its age-value either in the encroachment of nature onto it or through its altered use-value; and
- (d) creates, through the process of its decay, a new aesthetic unity.⁴

It is appropriate at this point to pause and ask, “*What is the point of having **this** concept of a ruin?*” Here is my answer: These features might help tourist bureaus, cultural preservationists, historical society members, ruin enthusiasts, urban planners, and other interested communities adjudicate between different structures conceptually. I acknowledge that there is both a bit of an activist agenda here, and some circularity. When we conceive of something as a ruin, we see it as in the process of decay. Therefore, if we want to protect or “conserve” ruins, we will have to allow them to decay. The inventory of relevant ruin features I have presented give some indication as to why a community might want to allow something to be ‘a ruin’ instead of running to demolish or repair it.

While a full-scale defense of these features is outside the scope of this paper, a few notes are in order. First, if this definition is plausible, then in order to be a ruin an object must be in the

process of decay. Second, ruins are architectural structures that (often) cannot retain their original function, and so their use-value may change.

One might think that the best option for ruin conservation is to preserve a ruin **as found**. This approach was common in the early twentieth century in the United Kingdom, but it is now relatively rare.⁵ A positive aspect of this method is that it maintains the ecology of the site.

However, arresting decay and preserving the ruin “as found” seems arbitrary. Keeping a ruin in a particular time slice, whether that slice is immediately after the building was erected or whether it is after mother nature has started to reclaim some of the artifactual elements, is treating the ruin as a static object, like a statue, which (I believe) it is not.

Another option for ruin conservation is planned or **deliberate ruination**. This approach was adopted during the mid-twentieth century in some cases where there was not enough public or financial support for other forms of ruin stabilization. One plan was to record as much as possible (e.g., the archaeological evidence), and then speed up decay by, for instance, removing a ruin’s roofs and other relatively perishable materials. Items of monetary or great historical value would be removed and placed in museums or other such repositories. On archaeological sites artifacts were, in some cases, reburied when digs ran out of money or did not have the requisite technology for safe extraction.

A community might also choose deliberate ruination because it has more reason to preserve a delicate ecosystem than it has to preserve the artifactual elements of a ruin. One can imagine

cases where preserving the current ecosystem would speed up the decay of the artifactual.

Because of the importance of flora and fauna on the ruin site, planned ruination has been called “verdant ruination.”⁶

A more moderate option is **managed decline**. We slow down the decay. Perhaps we divert a stream or buttress a collapsing wall to prevent further collapse, but we do so acknowledging that this effort is designed to slow down, not arrest, the decay -- to extend (but not indefinitely) the life of the ruin. This option gives archaeologists time to record important historical data and make the ruin safe to study and appreciate aesthetically.

A (very) brief background to Mỹ Sơn Archaeological Sanctuary

In the preceding section we discussed reconstruction, restorations, and ruin-specific conservation practices (e.g., ruin-as-found, deliberate ruination, verdant ruination, and managed decline). I now turn to the specific case at hand. I will first discuss the structures at the Mỹ Sơn Archaeological Sanctuary before turning to a brief discussion of the Champa Kingdom.

Mỹ Sơn was protected in a valley surrounded by high mountain ranges in the Quảng Nam province of central Việt Nam. Mỹ Sơn is unique for its predominate Hindu iconography and the size and number of intact kalans. A kalan is a corbel structure composed of bricks that are stacked in a slightly offset manner. Similar to Khmer and Central Javanese architecture, the Cham people built kalans with a three-level pyramid shaped roof. The main sanctuary typically had a flat, square foundation and would house the sacrificial yoni-linga. The yoni, representing

the female genitalia, was used in ritualistic, water-cleansing ceremonies. The lingas, representing the male phallus, would be placed in the yoni during these ceremonies.⁷

One of the most notable features of Mỹ Sơn's temples is their construction material. The bricks have very little room between them, as if they were melded together during the construction process. Consequently, no vegetation can grow between them. The Cham people used brick masonry without the use of mortar in the external joints. It took an international team of scientists over a decade to figure out what natural mortar was used (local tree sap). How these bricks fit together is the first (of two) great mystery of Mỹ Sơn. Additionally, the brick's surfaces display several frieze designs that were sketched and left unfinished; these unfinished designs are *in continuity* with finished designs. How these sculptural reliefs were carved onto the side of the kalan walls is the second great mystery. No disjointed lines have been found, suggesting that the friezes on the sides of these buildings were carved into soft bricks once the tower structure was already erected.

Further, the bricks, by in large, did not have vegetation growing on them. Some of the structures on the site have been restored (using some non-original materials). With the first few attempts at creating these unique Cham bricks, the non-original bricks had natural vegetation growing on them within eight months. It took several iteration of bricks to find ones that could be used without growing vegetation.

Historically Việt Nam was divided into a Chinese influenced north and an Indian influenced south. It is in the south that we find the Cham peoples. The historical Cham were Austronesian-

speaking peoples with probable origins in Borneo. Throughout the Common Era the Cham (also called the Champa) had control of a federation of five states/empires. These five states practiced Saivite Hinduism and had a writing system derived from the Brahmi script of southern India, but adopted Mahayana Buddhism in the eight/ ninth century, and later converted to Islam. During these conversion, new temples were erected and existing structures added to. The Cham were successful trading partners, controlling most of the waterways in central Việt Nam. From the fifth to thirteenth century the Cham adapted to their surroundings, adopting ideas from Islam, animism, Hinduism and Buddhism. During the thirtieth century the Khmer invaded the Cham territory, and by the fifteenth century the Vietnamese from the north annexed the last bit of Cham territory (Cham-Vietnamese War, 1471). Many of the Cham moved into Cambodia and costal Malaysia. Only a small portion of the Cham remained in Việt Nam, where they are today recognized as one of fifty-four ethic minority groups. Modern Cham people represent the majority of Islamic peoples in Cambodia and Việt Nam.⁸ Many of the Vietnamese Cham migrated to France during the American War, leaving about 100,000 Cham in Việt Nam (approx. 60,000 identify with some form of Hinduism). What is so remarkable about Cham architecture is that these successive religious shifts did not result in radical changes to the existing temples. Rather the Cham chose to add to the existing temples without destroying the previous iconography. As such we see a unique record of shifting religious practices.

The French colonization of Việt Nam took several decades, initiating an invasion in the 1850s and consolidating their control by 1887. Mỹ Sơn was “rediscovered” by a group of French soldiers in 1885⁹ and between 1896 and 1902, several French archaeologists catalogued the site. Led by Henri Parmentier, these scientists gave the architectural grouping the number/letter

designations that are still used today. The restoration efforts by the French began in 1903 and continued until the Japanese coup d'état in 1945 (only to be forced to leave after the Allies defeat of Japan). The French then regained control of Việt Nam, yet restoration work did not continue in light of the Indochina War / Anti-French Resistance War (December 19, 1945 – July 20, 1954).

From 1966-1968, Mỹ Sơn was under the control of the Front for the Liberation of the South and in August of 1969, a bomb dropped by an American B52 bomber struck Mỹ Sơn, reducing its largest temple (A1) to heaps of unrecognizable rubble. There is some debate whether or not the tallest and most majestic kalan, A1, was completely destroyed during the American raid, or whether it was partially destroyed (pilfered) before, by the French. The records are unreliable.

Unlike many objects currently under threat of bombing, A1 was not destroyed in order to wipe out the cultural artifacts of a civilization but rather as a tactical decision in war. Nixon's goal was not to destroy Champa culture – the Cham people had moved on from the area years before. Nevertheless, whatever the intention, the result was the same. A piece of important and beautiful Cham architecture was lost. In 1970, under intense international pressure, President Nixon agreed to spare Mỹ Sơn from any further attacks. After the Vietnam War, the Vietnamese government de-mined Mỹ Sơn so that additional restoration work could continue. This effort cost nine workers their lives and inflicted serious injury on eleven others. In 1980, Việt Nam partnered with Poland to restore Mỹ Sơn and in 1999 UNESCO deemed Mỹ Sơn a World Heritage Site.

UNESCO determined that the Mỹ Sơn temple complex satisfies two criteria for world heritage status (out of ten), specifically criterion two and criterion three:

Criterion (2): The Mỹ Sơn Sanctuary is an exceptional example of cultural interchange, with an indigenous society adapting to external cultural influences, notably the Hindu art and architecture of the Indian sub-continent.

Criterion (3): The Champa Kingdom was an important phenomenon in the political and cultural history of South – East Asia, vividly illustrated by the ruins of Mỹ Sơn.

Because Mỹ Sơn was only recently given UNESCO World Heritage status, there is scant international research on the site and, far worse, until 1999, reconstruction attempts were haphazard; the effects of these ill-advised reconstruction and restoration attempts remain quite visible. For example, the photo here shows one of the French restoration attempts on a column. The material used in this “restoration” was concrete. A1 has yet to be restored.

Proposals for A1

In this section I will briefly sketch various positions before providing an argument for my preferred proposal. We have a bevy of options, some favoring more intervention and some less intervention. In this spectrum from maximal to minimal intervention, full reconstruction of A1 to look visually identical to the kalan right after it was erected would be at the extreme end of intervention. This reconstruction would allow visitors to see what A1 looked like before the bombing but would bother those who believe authenticity lies in the original material.¹⁰

Another option is to preserve Mỹ Sơn “as found.” In the case of A1, it is not clear what that would mean. As found by the French archaeologist? As found after the Vietnam war? If by “as found” we mean we should re-erect Mỹ Sơn to look like it did pre-bombing, why choose that particular time slice? Why not reconstruct based on the 1903 drawings of Henri Parmentier? There are many reasons not to reconstruct as found. As previously stated, in the case of all ruins I argue that to arrest decay by preserving something in a particular time slice is to ignore some of the most salient features of ruins: we enjoy them as objects in the process of decay. We acknowledge that ruins have a life cycle and that if we were to return to them years later, we expect them changed. They present us with new and interesting aesthetic foci; they wear their age. Thus if you are inclined to agree with my essential features of ruins, preserving a ruin as found would violate their ontology. It would treat the ruin as something it is not. Further, preserving a ruin in a particular time slice privileges some narratives over others. If we chose to reconstruct A1 based on Parmentier’s drawings, would we be erecting a monument to French colonialism? Why honor the archaeologist’s “discovery” more than the Champa history? If we chose to preserve the ruin pre-Vietnam war, again, why choose that particular moment in time?

A more moderate interventionist proposal would be UNESCO approved anastylosis restoration: we reconstruct what we can of A1 using only original materials. An example of a reconstruction is seen at the G1 temple at Mỹ Sơn archaeological complex.¹¹ A photogrammetric project using basic 3-D modeling (with the 3D Odysseus software system) was used to project what the G1 temple once looked like intact. Once this was done, stones were collected from piles of rubble near the site and pieced together like a three-dimensional picture puzzle in an attempt to

reconstruct the temple. UNESCO considers this a case of restoration because the reconstruction of the kalan followed the practice of anastylosis: the reassembling of parts without introduction of non-original material. The resulting structure still looks like a ruin to many because the structure is still only partially present. However, a reconstruction is impossible in the case of A1 since there simply isn't enough left of A1 to reconstruct. Any reconstruction of A1 would have to introduce new materials for erection; thus, this type of restoration is ruled out.

On the minimalist side, we could 'preserve' A1 as a ruin. Whether by planned ruination, verdant ruination, and managed decline, there seems to be no political, economic or aesthetic reason for deliberate ruination, since the site is already in ruins. And there is no need for verdant ruination, since the site does not hold unique flora or fauna we are trying to preserve. Additionally, verdant ruination might prevent access to the site, if we would like to keep the site accessible to visitors.

The only part of A1 that remains is the carved pedestal which once held the ceremonial lingam and yoni. If we wish to access and admire this pedestal the remaining option would be managed decline (rather than verdant ruination).

The most minimalist proposal would be to do nothing, acknowledging that a piece of cultural heritage has been lost forever, and do nothing to preserve access to the ceremonial pedestal, and do nothing to preserve the bomb crater. However, I think this would be a mistake. We have good reasons to preserve the bomb crater and remaining A1 pedestal while realizing that A1 and its contiguous natural environment is a ruin. If we opt for managed decline, my preferred proposal, we could divert water sources from pooling in the A1 crater, but have no intention to preserve

the crater or pedestal in perpetuity. We could provide signage to help visitors interpret the site, make pathways accessible, but have no plan to reconstruct or restore any of A1.

In trying to decide which proposal is best for any ruin, there will be no one-size-fits-all policy. Similarly, it will be hard to balance aesthetic concerns from political, practical, and economic ones. In the case of A1 I advocate for managed decline. I will relegate my argument to three brief points. The first is that we must consider the landscape (physical and cultural) in which the ruin (i.e., A1) is embedded. Here A1 is part of an archaeological sanctuary, surrounded by other kalans. The fact that other (albeit smaller) kalans have survived (or have been reconstructed) might mitigate our worries about the strict preservation of original material. One question conservationists ought to ask themselves is whether or not the structure is a “living city” or a “dead site.”¹² A temple destroyed by war in a living city (such as *Frauenkirche*) will require a very different response than the kalan of A1, which is in a remote park. When attending to ruins in living cities, we might need to consider how to preserve their use-value (e.g., as a place of worship, as a meeting hall, as the social center of town). Ruins in “dead cities” have different use value, often aesthetic, historic, educational or archaeological in nature. A1, placed in a dead city, can be ‘used’ more readily for its aesthetic value over a site like the Dresden *Frauenkirche*. Mý Son was not a city. It was a religious site that was abandoned (by force) in the fifteenth century. And while the Cham people have a connection and use for the site, the use-value is not as a home or village.¹³

My second point is that we should attend to the multiple narratives the site tells. Ruins are valued in part because they evoke the importance of age-value, the endurance of human efforts

throughout time. This is not the case for A1. A1 stood for a thousand years only to be wiped out in a matter of seconds. The crater at A1 speaks to the wanton destruction of historic sites like these to make a political point. This is but one story A1 tells, but it is an important one. Many ruins have a mournful quality and A1 is no exception. We might mourn the loss of the complete architectural structure, we might mourn (in a nostalgic way) the loss of a culture (i.e., the historic Champa Kingdom), or we might mourn the loss of time. With A1 we mourn the myriad losses that come with war. The bomb crater speaks to the American war, but the abandoned site itself also speaks to various attacks on the Cham people. Figuring out what narratives to tell and which ones will be/should be foregrounded will be difficult and will require conversations with disparate stakeholders.¹⁴ The most powerful stakeholder in this situation is UNESCO and the narrative UNESCO often wants to advance is that cultural property, such as the kalans at Mỹ Sơn, are universally valuable as the cultural heritage of all humankind.¹⁵ That said, local communities and descendant populations must lead the way. This tension between universal and culturally specific interpretations of cultural property (especially cultural property deemed to be “World Heritage” is not easily adjudicated but is perhaps less contentious at Mỹ Sơn. Representatives of the descendant (Cham) community have expressed interest in letting the site tell the tale of these multiple wars, thus supporting my proposal at A1. One might worry about utilizing a UNESCO framework on any site in Việt Nam: using a terminology and framework largely developed by the French on a former French colony works against the goals of decolonization. I take this worry seriously. However, many in the Cham community see the French as potential allies, as they were more harshly treated by the Vietnamese.¹⁶ Through UNESCO many of the Cham believe they have reclaimed a place in the narrative of Việt Nam.

Figuring out the needs and goals of the local community (those living near Mỹ Sơn) is much more difficult. The local community pre-UNESCO World Heritage designation consisted primarily of fisherman. The ruins were not seen as useful, but seen as source of intrigue for French (then Polish, then Italian) archaeologist. The local community was surviving but not thriving. Tourism in the area will impact the cultural traditions and way of life of these locals, most likely harming intangible cultural heritage. This is often a problem when sites are designated as “World Heritage”—local culturally rich but resource poor communities are forced to change their way of life. UNESCO is often at pains to show local communities why these ruins are valuable and try to encourage local populations (through educational programs and job training) to see these sites as lucrative, historic, and beautiful.

My final point is that while the loss of cultural heritage is a loss, it is not a complete loss. Unreconstructed ruins can evoke powerful aesthetic experiences. [While reconstructions using anastylosis help preserve historic value, historic value must be weighed against other values - including aesthetic. But in cases where we have multiple structures, a solution seems ready-made: different processes can be employed in different places (e.g., reconstructions, ruin stabilization, replicas, etc.) to serve different purposes. We already have several reconstructions of kalans at Mỹ Sơn, and 3D imaging has already produced virtual replicas of other structures at the archaeological park. Allowing A1 (the crater and pedestal) to ruinate seems not only viable, but preferable to other solutions.

Ruins are important objects of aesthetic appreciation due in part to the variety of modes of appreciation one might employ in engaging with them: one might use them as props to help imagine long-ago people, as remnants of architectural marvels, as parts of a picturesque

landscape, or as elicitors of the sublime and memento mori. Ruins are unique in that they have one foot in the past, one in the present, and one in the future. This tripartite nature of ruins makes them both unique and powerful elicitors of aesthetic experiences. Ruins help us think about our human ancestors, our current experience, and what will be. Ruins are objects in the process of decay and as such are objects in flux. Their changing characters (and characteristics) can lead to shifting valuation practices. The conservation community decided not to reconstruct the A1 kalan at Mỹ Sơn, and I agree that this was the right decision. What remains is the bomb crater – a ghost of a ruin.¹⁷

We bring our knowledge to bear on our aesthetic experiences. Ruins have a life span. A1 became a ruin twice over: first due to acts of aggression against the Champa Kingdom and second due to the American government's act of war. If A1 looked perceptually identical, yet had decayed due to "natural" forces, such as time and water damage, our aesthetic engagement with the kalan could be altered. The fact that it was destroyed by war is relevant to our aesthetic interpretation and appraisal. Allowing it to remain unreconstructed speaks to this mournful quality and foregrounds a narrative about war and destruction of cultural property. If there were no other kalans like A1, perhaps we would have good reasons to reconstruct it. The fact that this is one kalan among many in the archaeological sanctuary gives us permission to allow it to ruinate and enjoy the aesthetic qualities ruination brings.

Conclusion

We live in a world where the perils to cultural property have increased. Principles of preservation need to adapt to the changing needs of local communities and should reflect what we find

aesthetically valuable about the sites. While there is no one-size-fits-all strategy for conservation of ruins impacted by war, there are good aesthetic and political reasons to allow some sites to remain in their post-bombed state. The empty niches where the Bamiyan Buddhas once stood are aesthetically powerful. As columnist Roger Cohen wrote, “Absence speaks, shames, reminds.”¹⁸ The bombed A1 also speaks, shames, and reminds, and unfortunately so, too, will Palmyra’s Temple of Bel. Acts of war might have turned these ruins (and their tripartite aesthetic foci) into quasi-memorials, thereby change how we engage with them. However, we should not abandon war-torn ruins as a loss. These sites speak volumes, but we must stop to listen.

¹ Luke, Ben. “Ruin or Rebuild? Conserving Heritage in An Age of Terrorism.” *The Art Newspaper* <http://theartnewspaper.com/features/ruin-or-rebuild-conserving-heritage-in-an-age-of-terrorism/> (Accessed January 28, 2017)

² One of the earliest judgments reached was from 1813, issued by the Vice-Admiralty Court of Halifax, which exempted art from the spoils of war. A few decades later (1863), Abraham Lincoln commissioned German-American legal scholar Francis Lieber to write a prescription on how to handle cultural property. The ‘Lieber Code,’ as it was named, was devised so as to not impose unnecessary suffering on the losers of the American Civil War. It states “Classical works of art, libraries, scientific collections, or precious instruments, such as astronomical telescopes, as well as hospitals, must be secured against all avoidable injury, even when they are contained in fortified places whilst besieged or bombarded.” This code also recognized that conquering nations had the right to remove works of art, libraries, and scientific collections belonging to the hostile nation and that ultimate ownership would be settled by a treaty of peace. Parts of this

code have been incorporated into Brussels Declaration of 1874 and the Hague Conventions of 1899 and 1907. The Hague IV (1907), *Convention Respecting the Laws and Customs of War on Lands*, states “institutions dedicated to religion, charity and education, the arts and sciences even when State property, shall be treated as private property. All seizure or destruction of, or willful damage to, institutions of this character, historic monuments, works of art and science should be made the subject of legal proceedings by the competent authorities.” (Article 56). More recently the ICC (International Criminal Court) convicted Ahmad Al Faqi of a war crime for his willful destruction of cultural sites. Al Mahdi attacked mosques and shrines with pickaxes and machinery in Timbuktu, Mali during the 2012 Ansar Dine and Al-Qaeda occupation.

³ Ashurst, John. *Conservation of Ruins*, Amsterdam: Routledge, 2006: xxxix. Bold my emphasis.

⁴ This definition is inspired by Gionata Rizzi, Robert Ginsberg, Florence Hetzler and Donald Crawford.

⁵ White, “Interpretation of Display of Ruins and Sites,” In *Conservation of Ruins*, 252. Butterworth Heinemann, 2007.

⁶ Ibid, 254.

⁷ Archaeologist and historians believe that first temple at Mỹ Sơn was built from wood around the fourth century and its purpose was to aid worshipping the original mountain God-King of Champa. Kalans were composed of three conceptual elements: a base (*bhurloka*) symbolizing the human world, the body of the tower (*bhurvaloka*) symbolizing the spiritual world, and the pyramid roof (*svarloka*) representing the sacred universe.⁷ Other structures on the site include ceremonial halls (*mandapa*), gate-towers (*gopura*) and a tower for offerings (*kosagrha*). There were no housing structures in the complex. For more on the history and archaeology of the site, see Phuong, Trầ Kỳ and Nakamura, Rie “The Mỹ Sơn and Pô Nagar Nha Trang Sanctuaries: On

the Cosmological Dualist Cult of the Champa Kingdom in Central Vietnam as Seen from Art and Anthropology.” Asia Research Institute, Working Paper #100, February 2008.

http://www.ari.nus.edu.sg/docs/wps/wps08_100.pdf.

⁸ Unfortunately upwards of 150,000 Cham people died during the Khmer Rouge genocide in Cambodia, leaving the total number of Cham Cambodians at approximately 100,000.

⁹ I say “rediscovered” because at the time the scientists reported that no people were living on the site. The veracity of these reports is unknown.

¹⁰ The tension here, and the tension for many charged with restoration, is the one between the greatest possible retention of the original material and maintaining or recreating “the closest possible rendition of the original appearance. See Sagoff, Mark “On Restoring and Reproducing Art.” *Journal of Philosophy* 75 (9): 453-479 (1978). Sagoff discusses two major theories about art restoration practices, which in turn inform different theories of authenticity. The first is what is called an “integral” restoration, where we adhere to the plan on the sculpture rather than strict preservation of original materials. In “pure” restorations, we can reattach fallen-off bits, and clean off grime but we do not add any non-original materials. In Sagoff’s language this would be an integral restoration.

¹¹ A case study of how to reconstruct a ruin using basic 3-D imaging, can be found here: http://www.isprs.org/proceedings/xxxviii/5-w1/pdf/barazzetti_etal.pdf. The example discussed is the G1 temple at Mỹ Sơn.

¹² The language of ‘dead’ versus ‘living’ sites can be found in Luke, Ben. “Ruin or Rebuild? Conserving Heritage in An Age of Terrorism.” *The Art Newspaper*

<http://theartnewspaper.com/features/ruin-or-rebuild-conserving-heritage-in-an-age-of-terrorism/>

(Accessed January 28, 2017)

¹³ The Cham's use of Mỹ Sơn most likely will not be religious as most of the practicing Hindu Cham no longer practice their religion in the way the fifteenth century Cham did (i.e., ceremonial water rituals, yoni-linga rituals).

¹⁴ For recent work on the narrative element of cultural heritage, see Matthes, Erich Hatala. "The Ethics of Historic Preservation," *Philosophy Compass* 11 (12): 786-794 (2016).

¹⁵ This language is found in many places but most explicitly in 1954 UNESCO initiated the *Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict*: "Damage to cultural property belonging to any people whatsoever mean damage to the cultural heritage of all mankind, since each people makes its contribution to the culture of the world."

¹⁶ The Cham joined *Front Uni de Lutte des Races Opprimées* (the United Front for the Libération of Opressed Races).

¹⁷ 'Architectural Ghost' is a term coined by Jeanette Bicknell. See: Bicknell, Jeanette. "Architectural Ghosts." *Journal of Aesthetics and Art Criticism* 72 (4): 435-441 (2014).

¹⁸ Cohen, Roger. "Bamiyan's Buddhas revisited," *New York Times*, October 28, 2007.